GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Employees Housing Policy - Allotment of land for Housing Societies in the new State of Andhra Pradesh – Orders – Issued.

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REVENUE (ASSIGNMENT-I) DEPARTMENT

G.O.MS.No. 43 Dated: 24-01-2019

Read the following:

1. G.O.Ms.No.242, Revenue (Assn.I) Department, dated 28.02.2005.
2. G.O.Ms.No.243, Revenue (Assn.I) Department, dated 28.02.2005.
3. G.O.Ms.No.244 , Revenue (Assn.I) Department,dated 28-02-2005.
4. Orders of the Hon'ble High Court in WP No's 7956, 7997 & 23682/2008, dated:05-10-2010.
5. SLP (CA) No.12616-18/2010 renumbered as 3791-93 of 2011 filed by the GoAP before the Hon'ble Supreme Court of India.
6. Opinion rendered by the Advocate-on-Records for the State of Andhra Pradesh, Supreme Court, New Delhi, dated: 04.01.2019.
7. G.O.Ms.No.571, Revenue (Assn.I) Dept., dated 14-09-2012.

ORDER:

In the GO 1st read above, the erstwhile Government have identified that there is an urgent need for prudent management of the land resources and laid down a comprehensive policy for the same.

2. In the GO 2nd read above, orders by erstwhile Government were issued on the methodology to be adopted for selecting the Housing Societies / Institutions for allotment and alienation of land.

3. In the GO 3rd read above, orders were issued by erstwhile Government on conditions of allotment of Government land to Government Employees.

4. In the reference 4th read above, the Hon'ble High Court of Andhra Pradesh has ordered as follows while squashing the orders issued by the erstwhile Government of Andhra Pradesh regarding allotment of house sites to the various housing societies

> " the impugned G.Os., to the extent that they did not render ineligible the persons, who own a house or house site in their own name or in the name of their spouse or children for allotment of house sites by the respective societies of which they are members, cannot be sustained in law. In view of the same, all the impugned G.Os., except G.O.Ms.No.421 dated:25-3-2008, which was rescinded and consequently ceased to exist, are quashed. As a result of quashing of the impugned G.Os., possession of various parcels of the land allotted to respondents 4,5,7 to 11 - Societies shall stand restored to the Government. If respondent No.1 seeks to make fresh allotments, it can do so by issuing fresh G.Os., by incorporating necessary condition rendering the persons, who own a house or house site in their own name or in the name of their spouse or children, ineligible for allotment by the respective Societies. Before issuing such G.Os., respondent No.1 shall call for details of the members, who satisfy the eligibility criteria for allotment of house sites. The respective Societies shall submit the applications of each of the members personally signed by them along with their sworn affidavits, inter alia, declaring that they are not owning a house or house site either in their name or in the name of their spouse or children. Respondent No.1 shall keep these details in its web-site for information of general public. On the basis of such declarations, respondent No.1 shall assess the requirement of land to be distributed as house sites to the eligible

members only and allot the extent of land which is necessary for such allotment to each of the Societies. Respondent No.1 shall also incorporate in the G.Os., that if any member of the Society makes a false declaration, allotment of house site will be liable for cancellation apart from the member, making such a false declaration, being liable for civil and criminal consequences."

5. In the reference 5th read above, erstwhile Government of Andhra Pradesh before bifurcation have filed S.L.P (Civil Appeal) against the said orders of Hon'ble High Court of Andhra Pradesh, dated:05-10-2010 in W.P.No.7956, 7997 and 23682 of 2008. The Hon'ble Supreme Court of India has given various interim orders from time to time.

6. In the reference 6th read above, the Advocate on Record has opined as follows:

"I am of the considered opinion that there is no restriction in the interim orders of the Hon'ble Supreme Court for making any allotment of land to the Group Housing Societies provided the conditions of the High Court made in the impugned Judgment are complied with".

7. Government after careful examination of the matter, hereby issue the following fresh policy guidelines for allotment of House sites to members of Government Employees Housing Societies in the new state of Andhra Pradesh after incorporating the directions of the Hon'ble High Court of A.P. issued in the reference 4th read above.

7.1. AIM. The aim of Employees Housing Policy in the state is to facilitate own housing for the category of Government employees working in the districts.

7.2. ELIGIBILITY. The eligibility for all employees working at the Regional /District/Sub- district level:

a. All employees borne in the new A.P. State Government or allotted to the new state of A.P. and working as on date are eligible.

b. House sites will be allotted if Government land is available.

c. If Government land is not available and private land has to be acquired, land will be provided for construction of multi-storied flats.

7.3. METHOD OF ALLOTMENT AND PRICING.

a. **Land through housing societies/ groups.** Allotment will be done through House Building societies/ Groups only. Land shall not be allotted in favour of individual employees. The employees shall have to be formed into a Group or Co-operative Society for availing the facility of allotment of land for house sites/flats.

b. **Minimum members.** A Society or a Group shall have a minimum of 12 eligible members.

c. **Affidavit.** The employee concerned should apply to the respective Housing Societies/ Group with the sworn affidavit inter alia declaring that they are not owning a house or a house site either in his/her name or in the name of his/her spouse or dependent children in the Urban area/town of allotment.

d. **Application submission.** The District Collector shall call for details of the members, who satisfy the eligibility criteria for allotment of house sites/flats. The respective Societies shall submit the applications of each

of the members personally signed by them along with their sworn affidavits to the Collector & District Magistrate.

e. **Applications and affidavits in public domain.** District Collector shall keep the applications and sworn affidavits in the district official web-site for information of general public.

f. **False declaration.** If any member of the society makes a false declaration, allotment of house site/flat shall be liable for cancellation apart from the member, making such a false declaration, being liable for civil and criminal consequences.

g. **Assessment of land needed.** On the basis of the applications and declarations, Collector shall assess the requirement of land to be distributed as house sites/flats to the eligible members only and allot the extent of land which is necessary for such allotment to each of the Societies.

h. **Pricing and allotment**. The land will be provided at nominal rate as approved by Government with recommendation of AP Land Management Authority.

i. **Prior membership**. An employee should be a member of a Housing Society or Group. The employees, who are forming into a Society/Group are advised to complete the admission of members before making an application to the Collector. This would facilitate the Society to arrive at exact requirement of land, which can be calculated as per the eligibility criteria and make an application to Collector.

j. **Leftover members.** If some employees are not covered by Society, Government may allot house sites/ flats to them in next phase as and when they place their requisition before Collector through a society/ Group.

k. **Nodal authority**

(i) The District Collector shall be the nodal authority to make the scheme operational.

(ii) He shall be competent to allot lands for housing purpose to Housing Society / Group of employees at the rates stipulated, following the procedure outlined here.

(iii) He will act as nodal agency for land procurement and also construction of flats through APTIDCO.

l. **Conveyance to individual.** On alienation of the Government land, the Society or Group concerned in turn shall allot individual house sites to the individual members. The title of the house site/flat shall be conveyed to the members concerned by the Society through a registered sale deed.

7.4. GENERAL CONDITIONS OF ALLOTMENT

a) Time limit for allotment. In case of house sites, the allotment of individual house sites shall be completed by the Society, within a period of six months from the date of alienation of the land.

b) Time limit for construction. The time for completion of house/flat construction by the allottees will be three (3) years from the date of land alienation.

c) Prohibition on resale. An employee who is allotted a house site/flat shall not sell such site for a minimum period of fifteen (15) years.

d) No site/house in urban area/town of allotment. All employees who do not have a house site/house in the name of self/spouse/ dependent children within the urban area/town of allotment will only be eligible.

e) Only one site/flat in state. An employee shall not be entitle to member of two or more societies in the new state of Andhra Pradesh for claiming house site/ flat.

f) Only once in lifetime. An employee shall be eligible for only one Government allotted house site/flat during his /her service.

g) Only one site/flat per Couple. If both husband and wife are in government service, only one would be eligible for allotment of a Government house site/flat.

h) No sites/flats to non-members. The Societies / Groups shall not allot house sites/flats in respect of any other member, whose name is not figuring in the application submitted to the competent authority, for allotment.

i) Draw of lots. The Co-operative House Building Society / Group shall allot house sites/flats by draw of lots.

j) Layout open spaces. If the Society allots open spaces available in the layout or changes layout without approval from competent authority, the President, Secretary and other office bearers of the Society are liable for punitive action and changes made if any shall become null and void.

k) Recording in service book. The fact of allotment of house site/flat shall be recorded in the Service Book of the employee concerned.

7.5. AGENCY FOR IMPLEMENTATION OF THE HOUSING PROJECT.

The Co-operative Society or Group are at liberty to decide whether they would like to build the houses/flats themselves or they would like to avail the help of the organization like Andhra Pradesh Housing Board/APTIDCO etc.

8. All the District Collectors / Spl.C.S. & Chief Commissioner of Land Administration, Secretary Housing, Secretary Services, and Principal Finance Secretary shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.MANMOHAN SINGH,
SPECIAL CHIEFSECRETARY TO GOVERNMENT

To
All the District Collectors
The Spl. CS & Chief Commissioner of Land Administration, A.P., Vijayawada.
All the Head of the Departments.
All Departments in Secretariat.
The G.A (Services Welfare) Department
Copy to:-
The PS to Spl. C.S to Chief Minister.
The PS to Chief Secretary.
The OSD to Dy. C.M (Revenue).
The PS to Principal Finance Secretary.
The PS to Spl.CS, Revenue (Land) Department.
The PS to Prl. Secy MA & UD Department.
The PS to Prl. Secy, Housing Department.
The PS to Secy, G.A (Ser) Department.
SC/SF

// Forwarded :: by order //

SECTION OFFICER.